



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 3, 2008

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Right-Of-Way Services And Increase In Design Services For The Cabrillo Boulevard Bridge Replacement Project

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a contract with Tarvin & Associates in the amount of \$75,000 for right-of-way acquisition and relocation services relating to the Cabrillo Boulevard Bridge Replacement Project, and approve expenditures of up to \$7,500 with Tarvin & Associates for extra services that may result from necessary changes in the scope of work; and
- B. Authorize the Public Works Director to increase Agreement No. 22,346 with Bengal Engineering, Inc., for extra services in the amount of \$198,000, for the final design services on the Cabrillo Boulevard Bridge Replacement Project, for a new total contract amount of \$1,691,251.

EXECUTIVE SUMMARY:

The processing of environmental documents by the California Department of Transportation (Caltrans) for the Cabrillo Boulevard Bridge Replacement Project (Project) is nearly complete. When completed, the City can proceed with right-of-way acquisition.

The Project requires very complex right-of-way issues and possible business loss negotiations. All negotiations must comply with Caltrans regulations, Federal Highway Administration (FHWA) regulations, and California State Law, to qualify for 88.53% FHWA funding. City Staff proposes to hire Tarvin & Associates (Tarvin) to do this work because of their depth of experience and familiarity with requirements in working with Caltrans' compliance with regulations. Tarvin's proposal for this work is \$75,000.

The bridge supports a portion of the Rusty's Pizza Building and patio at 13 Cabrillo Boulevard. On April 23, 2008, Caltrans officials confirmed construction work on the building is eligible for 88.53% reimbursement from the FHWA if the building is not reconnected to the bridge. Staff recently discussed these issues with the owners of the building. Staff recommends including the design and construction work for separating the building from the bridge in the existing Bengal design contract. To do otherwise

would delay the Project for over a year because the owners would have to obtain separate permits for this work. It is estimated the one-year delay would increase the Project cost by over \$700,000 due to inflation. Staff proposes to increase Bengal's final design contract by \$198,000 to perform the necessary additional design work.

DISCUSSION:

BACKGROUND

The bridge crossing Mission Creek east of State Street is structurally deficient and must be replaced. The proposed replacement bridge will also improve the hydraulic conveyance of Lower Mission Creek. Portions of the creek retaining walls will also need replacement. Final design of this Project is nearing 65% completion and following final environmental clearance, the Project will enter the right-of-way acquisition phase. Project construction is scheduled to begin in the fall of 2009.

Council approved a conceptual design services contract with Bengal on February 15, 2005 in the amount of \$118,630, plus authorization for extra services up to \$187,380. Subsequently, Council approved a final design services contract with Bengal for \$1,493,251 on March 27, 2007.

In 1951, the City allowed the owners of the Rusty's Pizza building, at 13 Cabrillo Boulevard, to connect to the bridge to support the corner of their building and patio. In order for the City to replace the bridge, plans must be prepared to separate the building from the bridge.

RIGHT-OF-WAY ACQUISITION SERVICES

Tarvin has worked under subcontract to Bengal to do the preliminary right-of-way work necessary to coordinate with the Project design. The budget in Bengal's contract for that work is \$14,950. The proposed contract with Tarvin is for the final right-of-way acquisition services and for coordinating with affected owners and tenants related to the Project. These significant acquisitions must be completed prior to the commencement of construction with strict adherence to applicable federal and state guidelines, in order to comply with FHWA funding requirements.

To accommodate the bridge construction, two permanent and five temporary easement acquisitions have been identified and numbered for reference below, and as shown on the Attachment (Aerial Photo):

- (1) A permanent street easement at the northeast corner of Cabrillo Boulevard and State Street to widen the sidewalk and replace the retaining walls along Mission Creek at 6 State Street.
- (2) A permanent flood control easement for access to Mission Creek occupying the property at 6 State Street.

- (3) A temporary construction easement for a staging area adjacent to Mission Creek on the parking lot occupying the property at 6 State Street.
- (4) A temporary construction easement for access to Mission Creek from State Street across a portion of the narrow frontage of the property at 13 East Cabrillo Boulevard.
- (5) A temporary construction easement for onsite work located at 13 East Cabrillo Boulevard fronting the northwest corner of the intersection of Cabrillo Boulevard and Helena Avenue.
- (6) A temporary construction easement at 10 State Street for access to Mission Creek from State Street.
- (7) A temporary construction easement at the property at 1 State Street to allow access to Mission Creek.

The property at 13 East Cabrillo Boulevard (Rusty's Pizza) presents other potential acquisition issues. A portion of the building overhangs Mission Creek and is structurally supported by a beam attached from the building foundation to the existing bridge. Preliminary real property investigations are required to determine the most feasible and cost effective means to accomplish the engineering design of the proposed detachment of the building from the existing bridge. Tenants, businesses, and corresponding owners of properties or structures that are temporarily or permanently acquired for public projects are entitled to just compensation, and fair and equitable treatment under the applicable State and Federal guidelines.

The contract with Tarvin will assist Staff in identifying all affected parties and proceed at the appropriate time with the actions required to acquire the necessary permanent and temporary easements for the Project, as well as to provide and execute a relocation or business loss assistance plan, as may be necessary.

Tarvin has submitted an acceptable proposal to provide the right-of-way professional services needed. Staff is recommending Tarvin because they are capable of performing these services and have successfully provided similar services to the City on other projects.

Further, costs for purchasing rights of way cannot be determined until all appraisals and purchase agreements with affected parties have been obtained. The costs for any potential relocation of occupants cannot be determined until surveys of their eligibility have been completed to establish entitlements. Staff will return to Council to approve specific agreements with affected parties in order to accomplish the City's purchase of the required rights of way. Staff estimates that the appraisals and the relocation assistance plan will be completed by late summer 2008, with acquisitions and possible relocations completed by early summer 2009.

INCREASE IN FINAL DESIGN SERVICES

In order to design the structural and architectural elements needed to separate the building from the bridge, Bengal proposes to subcontract with Appleton & Associates, Inc., Architects (Appleton). Under this subcontract, Appleton will perform the following services:

- Analyze the existing building structure and how it is connected to the bridge.
- Develop design alternatives and cost estimates to be reviewed by the owners, Historical Landmarks Commission, and City Staff.
- Prepare final construction plans to become integrated into the plans for the bridge.

BUDGET/FINANCIAL INFORMATION: The following summarizes the estimated total project cost:

ESTIMATED TOTAL PROJECT COST

	Basic Contract	Change Funds	Total
Bengal Engineering, Inc., (conceptual design)	\$118,630	\$68,750	\$187,380
Bengal Engineering, Inc., (final design)	\$1,493,251	\$198,000	\$1,691,251
Environmental Studies	\$108,466	\$38,193	\$146,659
R. H. Tarvin & Associates, (right-of-way services)	\$75,000	\$7,500	\$82,500
Fugro West, Inc., (soil borings)			\$23,960
Right-of-way & related cost			\$700,000
City Staff cost and incidentals during design			\$350,000
Subtotal			\$3,181,750
Estimated Construction Contract w/Change Order Allowance			\$14,000,000
Estimated Construction Management/Inspection (by Contract or City)			\$1,200,000
Biologist for Monitoring During Construction			\$50,000
City Staff Cost and Incidentals During Construction			\$200,000
Estimated Other Construction Costs (testing, etc)			\$250,000
Subtotal			\$15,700,000
TOTAL PROJECT COST			\$18,881,750

This Project is funded with a combination of a Federal Highway Bridge Rehabilitation and Replacement (HBRR) grant and City funds. The HBRR grant pays 80% of the design phase of the Project, and the City pays the remaining 20%. The HBRR grant pays 88.53% of the right-of-way phase of the Project, and the City pays the remaining 11.47%.

There are sufficient funds in the Streets Capital Program Fund to cover the City's share of the right-of-way and extra design services costs. Using the percentages listed above, the City's share for these extra services total \$49,062. Measure D funds have contributed to the City's grant fund match share.

SUSTAINABILITY IMPACT:

The specifications for this Project will contain numerous mitigation measures to protect wildlife, prevent pollution, establish new required wetlands, and to restore riparian habitat along Mission Creek.

ATTACHMENT: Aerial Photo – Proposed Easement Acquisitions

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DT/HH/sk

SUBMITTED BY: Paul Casey, Acting Public Works Director

APPROVED BY: City Administrator's Office

